

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-CV-12307-RGS

JOSEPH CHRISTOFORO

v.

JULIO LUPO, et al.

ORDER

March 14, 2005

STEARNS, D.J.

On February 24, 2005, the court allowed defendant Julio Lupo's motion to compel directing Joseph Christoforo to answer outstanding written discovery within ten days. On March 8, 2005, Lupo filed an affidavit stating that Christoforo had missed the March 7, 2005 deadline. On March 9, 2005, Lupo's attorney filed a responsive affidavit stating that he had missed the deadline because of medical absences from his office and that he had complied with the order with respect to the outstanding discovery, albeit two days after the deadline expired. Given counsel's stated medical condition and the fact that the discovery has been produced, the court will not impose sanctions, other than to caution plaintiff's counsel that he has an obligation to ensure that the court's deadlines are met even if he is personally unable to comply because of a temporary medical condition.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE

